

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1-5, 7-13, and 15-34 are pending in the application, with claims 1, 9, 16, 23, and 30 being independent. Claims 6 and 14 were previously canceled. Claims 1, 9, 16, 23, 30 and 34 are amended herein. Support for the claim amendments and additions can be found in the original disclosure. No new matter has been added.

§ 112 SECOND PARAGRAPH REJECTIONS

Claim 16 stands rejected under 35 U.S.C. § 112, as allegedly being indefinite. Without conceding the propriety of the rejection and in the interest of expediting allowance of the application, claim 16 has been amended as proposed during the interview and is believed to be allowable.

§ 101 REJECTIONS

Claims 1-5, 7-8, 16-22, and 30-34 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant respectfully traverses the rejection.

Nevertheless, without conceding the propriety of the rejection and in the interest of expediting allowance of the application, claims 1-5, 7-8, 16-22, and 30-34 have been amended as proposed during the interview and are believed to be allowable.

§ 102 REJECTIONS

Claims 16-18 and 22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0002878 (“Hinton”). Applicant respectfully traverses the rejection.

Nevertheless, without conceding the propriety of the rejection and in the interest of expediting allowance of the application, claim 16 has been amended as proposed during the interview and is believed to be allowable.

Hinton is directed to a method for cross-domain, single-sign-on authentication functionality (Hinton, Abstract) and discloses that “an out-of-band exchange of information that is used to establish a trust relationship” (Hinton, ¶ [0047]) and “the present invention also relies upon the fact that an e-commerce service provider has [a] previously established trust relationship” (Hinton, ¶ [0046]). However, Hinton fails to disclose or suggest any methods for establishing the trust relationship initially and fails to disclose or suggest “an out-of-band computer-readable storage medium to facilitate setup of a secure association and not for authentication” as presently recited in independent claim 16.

Accordingly, claim 16 is allowable for at least the foregoing reasons.

Dependent claims 17-18 and 22 depend from independent claim 16 and are allowable by virtue of this dependency, as well as for additional features that they recite. Applicant also respectfully requests individual consideration of each dependent claim.

§ 103 REJECTIONS

Claims 19-21 stand rejected under 35 U.S.C. § 103(a) as being obvious over Hinton in view of Official Notice. Applicant respectfully traverses the rejection.

Claims 1-3, 7-11, 14-15, 30, 31, and 34 stand rejected under 35 U.S.C. § 103(a) as being obvious over Enhanced IP Services for Cisco Networks (Cisco) and in further view of C.O.B.A.S. Centralized Out-Of-Band Authentication System (C.O.B.A.S.). Applicant respectfully traverses the rejection.

Claims 1, 4-9, 12-15, 30, and 32-34 stand rejected under 35 U.S.C. § 103(a) as being obvious over Pretty Good Privacy™ PGP for Personal Privacy , Version 5.0 (PGP) and in further view of Cisco and C.O.B.A.S. Applicant respectfully traverses the rejection.

Claims 23, 27, 28, and 29 stand rejected under 35 U.S.C. § 103(a) as being obvious over PGP in view of C.O.B.A.S. Applicant respectfully traverses the rejection.

Claims 24, 25, and 26 stand rejected under 35 U.S.C. § 103(a) as being obvious over (PGP) and in further view of Cisco and C.O.B.A.S. Applicant respectfully traverses the rejection.

Nevertheless, without conceding the propriety of these rejections and in the interest of expediting allowance of the application, claims 1, 9, 16, 23 and 30 have been amended as proposed during the interview and are believed to be allowable.

Hinton in view of Official Notice

Claims 19-21 stand rejected under 35 U.S.C. § 103(a) as being obvious over Hinton in view of Official Notice.

Dependent claims 19-21 depend from independent claim 16 which is allowable for the reasons given above, and are allowable by virtue of this dependency, as well as for additional features that they recite. Applicant also respectfully requests individual consideration of each dependent claim.

Cisco in view of C.O.B.A.S

Claims 1-3, 7-11, 14-15, 30, 31, and 34 stand rejected under 35 U.S.C. § 103(a) as being obvious over Enhanced IP Services for Cisco Networks (Cisco) and in further view of C.O.B.A.S. Centralized Out-Of-Band Authentication System (C.O.B.A.S.). Applicant respectfully traverses the rejection.

Cisco is directed to a method of using in-band exchange of encryption keys and discloses the exchange of encryption keys via an out of band method but teaches away from it as being “cumbersome.” (Cisco, page 3) As the Office acknowledges, Cisco fails to teach storing the public value on an out-of-band computer-readable medium, transporting the out-of-band computer-readable medium to the other node, receiving the public value via the out-of-band computer readable medium wherein the receiving is asynchronous to the generating. (Office Action, page 12.)

COBAS was cited for its alleged teaching these elements. (Office Action, page 12.) However, COBAS fails to remedy the deficiencies in Cisco because it COBAS relates to the exchange of authentication information, and not encryption keys.

(COBAS, pages 5, 7) For example, COBAS fails to disclose or suggest “storing the public value for configuration of the secure association on an out-of-band computer-readable storage medium, wherein the stored public value is not used for authentication,” as presently recited in claim 1.

COBAS additionally involves the synchronous process of communicating with an authentication server in real-time while trying to authenticate. (COBAS, page 5) Cisco also requires a temporally synchronous exchange of information to setup the secure association. (Cisco, page 3.) COBAS and Cisco both fail to teach or suggest “an out-of-band method for asynchronously establishing a secure association,” as presently recited in claim 1.

Furthermore, there is a lack of motivation to combine. “If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.” In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Here Cisco explicitly teaches the in-band transmission of encryption keys to establish a secure association (Cisco, page 3) while COBAS explicitly teaches the out-of-band transmission of authentication information (COBAS, page 5). If the two were combined, Cisco would be using an out-of-band transmission for encryption keys, which it teaches against, and COBAS would be violating its core purpose by transmitting in-band.

Thus, Cisco and COBAS, whether taken alone or in combination (assuming for the sake of argument that they can be combined), fail to disclose or suggest the features of claim 1. Accordingly, as discussed during the interview, independent claim 1 is allowable.

Dependent claims 2-3, and 7-8 depend from independent claim 1 and are allowable by virtue of this dependency, as well as for additional features that they recite. Applicant also respectfully requests individual consideration of each dependent claim.

For reasons similar to those given for claim 1 above, and as discussed during the interview, **independent claim 9** is allowable.

Dependent claims 10-11 and 15 depend from independent claim 9 and are allowable by virtue of this dependency, as well as for additional features that they recite. Applicant also respectfully requests individual consideration of each dependent claim.

For reasons similar to those given for claim 1 above, and as discussed during the interview, **independent claim 30** is allowable.

Dependent claims 31 and 34 depend from independent claim 30 and are allowable by virtue of this dependency, as well as for additional features that they recite. Applicant also respectfully requests individual consideration of each dependent claim.

PGP in view of Cisco and further in view of C.O.B.A.S.

Claims 1, 4-9, 12-15, 30, and 32-34 stand rejected under 35 U.S.C. § 103(a) as being obvious over Pretty Good Privacy™ PGP for Personal Privacy, Version 5.0 (PGP) and in further view of Cisco and C.O.B.A.S. Applicant respectfully traverses the rejection.

As discussed above with regards to claim 1, Cisco and COBAS fail to teach all of the elements present in the claim. As the Office states, PGP and Cisco do not teach storing the public value on an out-of-band computer readable medium, transporting the out-of-band computer-readable medium to the other node, or receiving via the out-of-band computer-readable medium wherein the receiving is asynchronous to the generating; the Office relies on COBAS for these elements. (Office Action, page 18.) However, as described previously, COBAS fails to remedy the deficiencies noted above with respect to claim 1. For example, PGP fails to disclose or suggest “storing the public value for configuration of the secure association on an out-of-band computer-readable storage medium, wherein the stored public value is not used for authentication,” as presently recited in claim 1.

Thus, Cisco, COBAS and PGP, whether taken alone or in combination (assuming for the sake of argument that they can be combined), fail to disclose or suggest the features of claim 1. Accordingly, as discussed during the interview, independent claim 1 is allowable.

Dependent claims 4-5 and 7-8 depend from independent claim 1 and are allowable by virtue of this dependency, as well as for additional features that they recite. Applicant also respectfully requests individual consideration of each dependent claim.

For reasons similar to those given for claim 1 above, and as discussed during the interview, **independent claim 9** is allowable.

Dependent claims 12-13, and 15 depend from independent claim 9 and are allowable by virtue of this dependency, as well as for additional features that they recite. Applicant also respectfully requests individual consideration of each dependent claim.

For reasons similar to those given for claim 1 above, and as discussed during the interview, **independent claim 30** is allowable.

Dependent claims 32-34 depend from independent claim 30 and are allowable by virtue of this dependency, as well as for additional features that they recite. Applicant also respectfully requests individual consideration of each dependent claim.

PGP in view of C.O.B.A.S.

Claims 23, 27, 28, and 29 stand rejected under 35 U.S.C. § 103(a) as being obvious over PGP in view of C.O.B.A.S. Applicant respectfully traverses the rejection.

PGP is directed to an encryption system and discloses software for encrypting messages. (PGP, page 1.) However, as the Office states, PGP does not teach storing the public value on an out-of-band computer readable medium, transporting the out-of-band computer-readable medium to the other node, or receiving via the out-of-band computer-readable medium wherein the receiving is asynchronous to the generating and relies on COBAS for these elements. (Office Action, page 18.) For reasons similar to those provided in the argument of claim 1 above, COBAS fails to remedy the deficiencies noted above with respect to claim 23. For example, PGP fails to disclose or suggest “exchanging the public keys asynchronously between the at least two nodes using an out-

of-band mechanism comprising a computer-readable storage medium wherein the public keys are not used for authentication,” as presently recited in claim 23.

Thus, PGP and COBAS, whether taken alone or in combination (assuming for the sake of argument that they can be combined), fail to disclose or suggest the features of claim 23. Accordingly, as discussed during the interview, independent claim 23 is allowable.

Dependent claims 27, 28, and 29 depend from independent claim 23 and are allowable by virtue of this dependency, as well as for additional features that they recite. Applicant also respectfully requests individual consideration of each dependent claim.

PGP in view of Cisco and further in view of C.O.B.A.S.

Claims 24, 25, and 26 stand rejected under 35 U.S.C. § 103(a) as being obvious over (PGP) and in further view of Cisco and C.O.B.A.S. Applicant respectfully traverses the rejection for the reasons given with respect to independent claim 23.

Dependent claims 24, 25, and 26 depend from independent claim 23 and are allowable by virtue of this dependency, as well as for additional features that they recite. Applicant respectfully requests individual consideration of each dependent claim.

CONCLUSION

For at least the foregoing reasons, claims 1-5, 7-13 and 15-34 are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejections and an early notice of allowance.

The arguments and amendments presented herein were necessitated by the most recent Office Action, and could not have been presented previously because Applicant earnestly believed that the claims were in condition for allowance at the time of filing the previous response.

If any issue remains unresolved that would prevent allowance of this case,
Applicant requests that the Examiner contact the undersigned to resolve the issue.

Respectfully submitted,

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